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VIA HAND DELIVERY

Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: In re Amendment of Part 90 of the Commission's Rules
to Facilitate Future Development of SMR Systems in
the 800 MHz Frequency Band; PR Docket No. 93-144

NOTICE OF EX PARTE PRESENTATION

Dear Sir/Madam:

This is to notify the Office of the Secretary that
Barry J. Ohlson and Charles F. Turner of McDermott, Will &
Emery met today with Sally J. Novak and D'wana Speight of the
Commercial Wireless Division, Wireless Telecommunications
Bureau to discuss the position of the following clients
(collectively "the Joint Parties") in the above-referenced
docket:

- ▶ Baltimore Gas and Electric Company
- ▶ Central and South West Services, Inc.
- ▶ Consumers Power Company
- ▶ Delmarva Power Company
- ▶ Entergy Services, Inc.
- ▶ Indianapolis Power and Light Company
- ▶ Omaha Public Power District
- ▶ Union Electric Company

During the ex parte presentation, the Joint Parties
expressed their strong opposition to any Commission proposal to
re-allocate the 800 MHz General Category spectrum. It has come
to the attention of the Joint Parties that the Commission is

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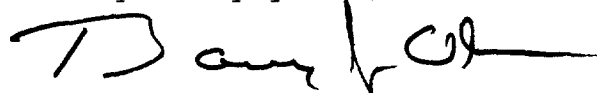
considering auctioning the General Category spectrum for use by small business Specialized Mobile Radio providers. Such a course of action would adversely impact the 800 MHz land mobile radio systems currently licensed to and/or operated by the Joint Parties and other similarly situated Private Mobile Radio Service licenses. The Joint Parties urge the Commission to maintain the status quo and allow all eligible parties to license spectrum as currently provided for in Part 90 of the Commission's Rules and Regulations. 47 C.F.R. § 90 et seq. The specific interests of each of the affected Joint Parties are set forth on the enclosed document.

During the meeting, the Joint Parties also expressed their general support for Entergy's Reply Comments which were filed in this proceeding on March 1, 1995. As these Reply Comments already are a part of the record in this proceeding, we are not filing an additional copy of that pleading with this letter.

* * * * *

In accordance with the Commission's rules, we are providing Ms. Novak and Ms. Speight with copies of this letter and enclosure. We also request that this letter and the enclosed copy be included in the record in the above-captioned proceeding.

Very truly yours,



Barry J. Ohlson

Enclosure

cc: Sally J. Novak, Commercial Wireless Division, Wireless
Telecommunications Bureau

D'wana Speight, Commercial Wireless Division, Wireless
Telecommunications Bureau

**SPECIFIC INTERESTS OF UTILITIES THAT WILL BE
ADVERSELY AFFECTED BY THE
PROPOSED RE-ALLOCATION OF THE GENERAL CATEGORY**

- ▶ Baltimore Gas and Electric Company (BGE) -- BGE provides electric service to 1.1 million customers and natural gas service to 538,000 customers throughout the City of Baltimore and central Maryland. This heavily populated 2,500 square mile territory demands a reliable and effective communications system. With this in mind, BGE has developed an 800 MHz land mobile radio communications network to enhance emergency responsiveness and improve customer service. As part of this system, BGE has licensed several General Category channels in those areas where other category channels were unavailable. To reallocate this spectrum would deprive BGE of this communications capacity in these critical areas of its service territory.

- ▶ Central and South West Services, Inc. (CSWS) -- Under the CSWS umbrella, four electric companies deliver electricity to 1.2 million customers across approximately 158,000 square miles in Louisiana, Texas, and Oklahoma. While CSWS's 800 MHz land mobile radio system currently is licensed on Industrial/Land Transportation spectrum, CSWS has applications pending at the Commission for General Category spectrum. This expansion is critical to accommodate increased traffic on the CSWS system. Without the General Category, the CSWS land mobile radio system may be unable to grow in proportion to customer demands.

- ▶ Consumers Power Company (Consumers) -- Consumers is the largest energy utility in the State of Michigan. It provides electricity and/or natural gas to 67 of the 68 counties in the lower peninsula, totalling approximately 31,000 square miles. Within this expanse, Consumers serves over 2,300,000 people. Due to channel restrictions in the Canadian Border areas, Consumers has licensed a large block of spectrum from the 851.0000 MHz to 854.7375 MHz range in the Detroit area. While this spectrum is not classified General Category in Detroit, in re-using the spectrum, Consumers now is licensed for a large block of General Category spectrum in non-border region areas. This capacity is critical to Consumers' communications needs, and, as a result, Consumers strongly opposes re-allocation of the General Category spectrum.

**SPECIFIC INTERESTS OF UTILITIES THAT WILL BE
ADVERSELY AFFECTED BY THE
PROPOSED E-ALLOCATION OF THE GENERAL CATEGORY (cont.)**

- ▶ Delmarva Power Company -- Delmarva provides electric services to 400,000 customers across 6,000 square miles including most of the Delaware-Maryland-Virginia Peninsula. Delmarva depends heavily upon reliable and effective mobile radio communications including two conventional 800 MHz systems. A five-channel, single site conventional radio system serves its Northern Division area which includes the majority of customers in its territory. Three of the five channels used in this system are from the General Category. A second system is Delmarva's multi-site 800 MHz conventional mobile data dispatch system. After successful testing, this system has been expanded to cover the entire Peninsula. The system was successfully completed in 1993 pursuant to a slow growth schedule and includes a General Category channel. Without these General Category channels, the two systems would be decimated.

- ▶ Entergy Services, Inc. -- Entergy and its subsidiaries provide electric utility service to over 2.3 million customers throughout the states of Louisiana and Arkansas, and in portions of Texas and Mississippi. Due to channel congestion in the New Orleans area, Entergy licensed a large block of 800 MHz General Category spectrum in the city (approximately 35 channels), which, in accordance with Commission objectives, it has attempted to re-use throughout its four state territory. Re-allocation of the General Category spectrum would result in the complete loss of this core group of channels and would devastate Entergy's 800 MHz land mobile radio system.

- ▶ Indianapolis Power and Light Company (IPL) -- IPL provides electric service to 400,000 customers primarily in Marion County, Indiana. This highly concentrated customer base demands highly effective communications. IPL is well into the process of building out an 800 MHz land mobile radio communications network which will support its customer service and dispatch efforts. However, IPL is encountering significant problems in securing enough spectrum to accommodate system capacity. While IPL had hoped to secure additional spectrum from the Public Safety channel pool, the freeze on inter-category sharing likely will force IPL to turn to the General Category to meet its spectrum needs. Without the General Category, however, IPL may be unable to properly expand its 800 MHz system.

**SPECIFIC INTERESTS OF UTILITIES THAT WILL BE
ADVERSELY AFFECTED BY THE
PROPOSED RE-ALLOCATION OF THE GENERAL CATEGORY (cont.)**

- ▶ Omaha Public Power District (OPPD) -- OPPD is a government agency engaged in the provision of electric utility services to 250,000 customers. Its service territory covers a portion of eastern Nebraska which includes and surrounds Omaha, the largest city in the state. In order to meet its service and customer demands, OPPD is in the multi-year process of constructing a trunked 800 MHz simulcast system. In fact, OPPD already has constructed eight sites with 10 repeaters at each site. While OPPD presently is not licensed for General Category channels, it recognizes the impact the Commission's proposal will have on its operations and on the operations of utilities around the country. OPPD strongly opposes the re-allocation of the General Category spectrum.

- ▶ Union Electric Company (Union) -- Union is an electric utility company which provides power to over 1 million customers in St. Louis, Missouri and Illinois and across the state of Missouri. Union has licensed and constructed an 800 MHz land mobile radio system which spans its 25,000 square mile service territory. Union has licensed General Category channels at 13 of its 56 sites. At each of these sites, three of the five channels licensed are General Category. In re-allocating the General Category, the Commission would cripple Union's entire 800 MHz system. In removing even a small piece of spectrum from the system, Union's highly efficient system could be significantly compromised.